<div style="text-align: center;"><u>REMARKS</u></div>

The Non-Final Office Action, mailed September 24, 2007, considered and rejected claims 1-44 under 35 U.S.C. § 102(b) as being anticipated by Boyle (US Pat. No.: 6,279,054). Claims 1-40 were also rejected under 35 U.S.C. § 101 as being purportedly directed to non-statutory subject matter.

By this response, claims 1, 8-11, 13, 21, 24, 31, 36, 41, and 43 are amended while claim 7 is canceled. Claims 1-6 and 8-44 remain pending of which claims 1, 21, 31, 36, 41, and 43 are independent claims.

Initially, with regard to the §101 rejections, it is noted that all of the claims are all directed to statutory subject matter, particularly in view of the clarifying claim amendments made by this paper. In particular, independent claims 1, 21, 31, and 36 have all been amended with language specifying that they are directed to a computer-readable STORAGE medium having STORED computer-executable instructions for performing a method. In view of these amendments, Applicants request that the rejection under § 101 be withdrawn.

The present invention is directed generally towards embodiments for providing state-full access to files. By maintaining the state of the file, access to the file can be maintained even through a broken connection, and as clarified by the embodiments recited in claim 1, for example. First, a request is received through a first channel to open a file on the server. In response to this request, a first handle is sent to the file. A resume key is also sent. The resume key can be used to obtain a duplicate handle. With this handle, the file can be accessed in the same manner and with the same rights as with the first handle. It is important to note that the second handle is requested over a second channel. Therefore, even if the first channel is disconnected, the second channel can still maintain the connection for accessing the file. Each independent claim contains a limitation specifying multiple channels for accessing the file.

Claims 1-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Boyle. Applicants submit, however, that Boyle fails to teach each limitation of the independent claims and particularly as amended. The current amendments have been made to clarify the scope of the invention and distinguish the invention from the teachings of Boyle.

Boyle is directed to a method of arbitrating access to ports such as COM ports in systems that don't support shared process space (which means that handles to the port can not be shared). All inbound and outbound calls to the port are initiated by the arbitrator process which then

hands off the calls to the appropriate application. (col. 2, ll. 62-64) Even though the system does not support shared process space, the arbitrator process is able to duplicate the handle to the port allowing multiple applications to access the same port at the same time. (col. 3, ll. 3-11) Boyle is limited to a single system with applications running on the system accessing the ports within the system. Therefore, Boyle does not teach various elements of the independent claims. Specifically, Boyle does not teach the access of files residing on a server, among other things. The handles in Boyle are not used to access files but ports. Also, the communications in Boyle are not made over multiple channels as in the current invention. The communications in Boyle are simply reads and writes to the ports over a single connection. Therefore, Boyle does not teach every element of any of claims 1, 21, 31, 36, 41, or 43.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.[1]

For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claim 11, wherein the first channel is disconnected and wherein the file remains open afterwards.

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[1] Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 21st day of December, 2007.

Respectfully submitted,

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